

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, et al.,	:	
ex rel. DORY FRAIN,	:	
	:	
Plaintiffs-Relator,	:	CIVIL ACTION
	:	NO 16-cv-1986
v.	:	
	:	<u>FILED UNDER SEAL</u>
MEDICREA USA CORPORATION,	:	
	:	
Defendant.	:	

**UNITED STATES' NOTICE OF INTERVENTION
FOR THE PURPOSE OF SETTLEMENT**

Pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (b)(4), the United States of America notifies the Court of its decision to intervene for the purpose of settling—by way of a separate agreement among the United States, Relator Dory Frain, and defendant Medicea USA Corporation (the “Federal Settlement Agreement”)—the federal claims against Medicea in this *qui tam* action.

On May 10, 2021, the Court entered an anticipatory Order providing for the unsealing of only certain documents upon the filing of this Notice of Intervention. (Docket Entry No. 30.) Specifically, **the Court has ordered that only the following documents shall now be unsealed:** (1) this Notice of Intervention; (2) Relator Frain’s Complaint; (3) the May 10, 2021 Order; and (4) all documents filed after the filing of this Notice of Intervention.

Certain of the plaintiff States in this action—the “Participating States” of California, Colorado, Florida, Georgia, New York, North Carolina, and Texas—have similarly reached settlement agreements of their claims with Relator and Medicea (the “Participating State Settlement Agreements”). The remaining plaintiff governmental entities—the District of

Columbia and the States of Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oklahoma, Rhode Island, Tennessee, Vermont, Virginia, and Washington (the “Non-Participating States”)—will be consenting to the dismissal of their claims without prejudice.

When Medicea completes making payments that it owes under the Federal Settlement Agreement, the Participating State Settlement Agreements, and any separate agreement(s) that Medicea has with Relator regarding fees, costs, and expenses, the United States, the Participating States, the Non-Participating States, Relator, and Medicea will jointly file a Stipulation of Dismissal for Court approval under Federal Rule of Civil Procedure 41.

Respectfully submitted,

JENNIFER ARBITTIER WILLIAMS
Acting United States Attorney

/s/ Charlene K. Fullmer, for
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

/s/ Landon Y. Jones III
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Date: May 19, 2021

CERTIFICATE OF SERVICE

I hereby certify that today, May 19, 2021, I sent, by secure email a copy of the foregoing Notice of Intervention for Purposes of Settlement to Michael M. Berger, Special Deputy Attorney General for the State of North Carolina's Department of Justice, as well as to the following two counsel for relator Dory Frain:

Ryan Allen Hancock, Esq.
Willig, Williams & Davidson
1845 Walnut Street, 24th Floor
Philadelphia, PA 19103

Michael A. Filoromo, III
Katz, Marshall & Banks, LLP
1845 Walnut Street, 25th Floor
Philadelphia, PA 19103

Because this action is under seal pursuant to 31 U.S.C. § 3729, *et seq.*, Defendant has not been served with a copy of the foregoing Notice of Intervention for Purposes of Settlement.

/s/ Landon Y. Jones III
LANDON Y. JONES III
Assistant United States Attorney